

State of California, State Water Resources Control Board

Division of Water Rights

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400 Web: <http://www.waterrights.ca.gov>

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FORM

S009555

2006, 2007, 2008

Owner(s) of Record:

PENINSULA OPEN SPACE TRUST

Notifying the Division of Water Rights of ownership or address changes is the responsibility of the claimant

Please Complete and Return This Form by JULY 1, 2009

Primary Contact:

PENINSULA OPEN SPACE TRUST
222 HIGH ST
PALO ALTO, CA 94301

Agent:

Address:

Phone No. 650-854-7696

Phone No.

Fax No.

Fax No.

E-mail Address:

E-mail Address:

Source Name: BUTANO CREEK

Tributary To:

County: San Mateo

Diversion within: SW 1/4 of SE 1/4 Section 24, T 8 S, R 5 W, MDB&M

Year of First Use: 1953

Name of Diversion works:

Assessor Parcel Number
of the Diversion site:A. Water Is Used Under: Riparian claim ☒ Pre-1914 claim ☐ Court Decree No.: Other (explain): B. Year of First Use: (Please provide if missing in the Division of Rights database (ewrims)) C. Rate of Diversion: The rate of diversion of water for each month used and entered in the table below is shown in units of:
Gallons per minute (gpm) 48 Gallons per day (gpd) 12960 Cubic feet per second (cfs)

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Average Rate
2006				✓	✓	✓	✓	✓	✓	✓	✓	✓	108,000
2007				✓	✓	✓	✓	✓	✓	✓	✓	✓	108,000
2008				✓	✓	✓	✓	✓	✓	✓	✓	✓	108,000

D. Quantity of Water Used: The quantity of water used each month and entered in the table below is shown in units of:
Gallons 226800 Million Gallons (MG) Acre-feet (AF)

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2006				✓	✓	✓	✓	✓	✓	✓	✓	✓	2AF
2007				✓	✓	✓	✓	✓	✓	✓	✓	✓	2AF
2008				✓	✓	✓	✓	✓	✓	✓	✓	✓	2AF

E. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.Irrigation Row Crop 12 acres; Stockwatering ; Domestic
Other (specify) Parcel Number(s) of Place of Use: F. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed.
(New pump, enlarged diversion dam, location of diversion, etc.)

G. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES ☐ NO ☐
Describe any water conservation efforts you have initiated:

b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:

Year (AF/MG) Year (AF/MG) Year (AF/MG)

Reduction in consumptive use:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES _____ NO _____

2. Water quality and wastewater reclamation

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES _____ NO _____

b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

State the type of substitute water supply: _____

Amount of substitute water supply used:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES _____ NO _____

3. Conjunctive use of surface water and groundwater

a. Are you now using groundwater in lieu of surface water? YES _____ NO _____

b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:

Year _____ (AF/MG) Year _____ (AF/MG) Year _____ (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES _____ NO _____

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: _____, 20____ at _____, California

SIGNATURE: _____

PRINTED NAME: _____
(first name) (middle initial) (last name)

COMPANY NAME: _____

ITEM _____ If there is insufficient space for your answers, please use the space provided below or add an attachment sheet.
CONTINUATION_____

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. After the formation of the California Water Commission back on December 19, 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.



S009555%\$%2002

STATE WATER RIGHTS
CONTROL BOARD
2000, 2001, 2002

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return This Form by September 1, 2003.

*If the mail recipient's name, address or phone No. is wrong or missing, please correct.

2003 NOV -3 PM 3:09

Owner of Record: PENINSULA OPEN SPACE TRUST;

DIVISION OF WATER RIGHTS
SACRAMENTO

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING:

PENINSULA OPEN SPACE TRUST

C/O WALTER T MOORE

3000 SAND HILL RD BLDG 4 STE 135

MENLO PARK, CA 94025

STATEMENT NO.: S009555
CONTACT PHONE NO.: (650)854-7696

FOR ONLINE REPORTING AT
www.waterrights.ca.gov

USER NAME: S009555
PASSWORD: D26894

Source Name: BUTANO CREEK
Tributary To: PESCADERO CREEK
County: San Mateo
Diversion Within: SW1/4 of SE1/4 Section 24, T08S, R05W, MB&M

Year of First Use: 1953
Parcel Number:

A. Water is used under: Riparian claim ☒ Pre 1914 right ☐ Other (explain); ☐

B. Year of first use (Please provide if missing above)

C. Amount of Use - Enter the amount (or the approximate amount) of water used each month.

Amounts below are:													Total Annual
Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	
2000			✓	✓	✓	✓	✓	✓	✓	✓			24F
2001			✓	✓	✓	✓	✓	✓	✓	✓			24F
2002			✓	✓	✓	✓	✓	✓	✓	✓			24F

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation pasture acres; Stockwatering ; Domestic

Other (specify)

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES ☐ NO ☒
Describe any water conservation efforts you have initiated:

b. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

Reductions in Diversions:

yr (af/mg) yr (af/mg) yr (af/mg)

Reductions in consumptive use:

yr (af/mg) yr (af/mg) yr (af/mg)

I have data to support the above surface water use reductions due to conservation efforts. YES ☐ NO ☐

5/11/05

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES ____ NO X
- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

yr ____ (af/mg) yr ____ (af/mg) yr ____ (af/mg)
I have data to support the above surface water use reductions due to wastewater reclamation. YES ____ NO ____

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES ____ NO X
- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

yr ____ (af/mg) yr ____ (af/mg) yr ____ (af/mg)
I have data to support the above surface water use reductions due to conjunctive use efforts. YES ____ NO ____

I understand that it may be necessary to document the water savings claimed in "F." above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 10/27, 2003 at Rescadero, California

SIGNATURE: [Signature]

PRINTED NAME: Jeffrey G. Powers
(first name) (middle init.) (last name)

COMPANY NAME: Pennsula Open Space Trust

If there is insufficient space for your answers, please use the space provided below.

ITEM CONTINUATION

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914, new appropriators have been required to obtain a permit and license from the State. Appropriate rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre 1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

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"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>"

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 2000

OWNER OF RECORD: PENINSULA OPEN SPACE TRUST

PENINSULA OPEN SPACE TRUST
3000 SAND HILL RD BLDG 4 STE 135
MENLO PARK CA 94025

STATEMENT NO: 000555

Irrigated pasture on Cloverdale Rd.

TELEPHONE NO: (650) 854-7696

SOURCE: BUTANO CREEK

TRIBUTARY TO: PESCADERO CREEK

COUNTY: SAN MATEO

YEAR OF FIRST USE: 1953

DIVERSION WITHIN: SW¼ OF SE¼ SECTION 24, T08S, R05W, MD B&M

PARCEL NO:

A. Water is used under: Riparian claim ☒ Pre 1914 right ☐ Other (explain): ☐

B. Year of first use (Please provide if missing above)

C. Amount of Use - Enter the amount (or the approximate amount) of water used each month.

Amounts below are: Gallons _____ Acre-feet <u>✓</u> Other _____													
Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
1997		X	X	X	X	X	X	X	X	X			2AF
1998		X	X	X	X	X	X	X	X	X			2AF
1999													0AF

D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation acres; Stockwatering 150 Head of Cattle Domestic ;

Other (specify) (temporarily not used 1999)

E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES ☐ NO ☒
Describe any water conservation efforts you have initiated:

b. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

Reductions in Diversions:

yr (af/mg) yr (af/mg) yr (af/mg)

Reductions in consumptive use:

yr (af/mg) yr (af/mg) yr (af/mg)

I have data to support the above surface water use reductions due to conservation efforts. YES ☐ NO ☐

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES ____ NO X
- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

yr _____ (af/mg) yr _____ (af/mg) yr _____ (af/mg)
I have data to support the above surface water use reductions due to wastewater reclamation. YES ____ NO ____

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES ____ NO X
- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

yr _____ (af/mg) yr _____ (af/mg) yr _____ (af/mg)
I have data to support the above surface water use reductions due to conjunctive use efforts. YES ____ NO ____

I understand that it may be necessary to document the water savings claimed in "F." above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: Oct 8, 2001 at Pescadero, California

SIGNATURE: _____

PRINTED NAME: _____

(first name)

(middle init.)

(last name)

COMPANY NAME: _____

If there is insufficient space for your answers, please use the space provided below.

ITEM CONTINUATION

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

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State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Info: (916) 657-2170, FAX: (916) 657-1485, Web: <http://www.waterrights.ca.gov>

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

If the information below is inaccurate, please line it out in red and provide current information.
Notify this office if ownership or address changes occur during the coming year.

PLEASE COMPLETE AND RETURN THIS FORM BY JULY 1, 2000

OWNER OF RECORD: PENINSULA OPEN SPACE TRUST

PENINSULA OPEN SPACE TRUST
C/O WALTER MOORE
3000 SAND HILL RD BLDG 4 STE 135
MENLO PARK, CA 94025

STATEMENT NO: S609555



TELEPHONE NUMBER:

(650) 854-7696

YEAR OF FIRST USE: 1953

PARCEL NO:

SOURCE: BUTANO CREEK

TRIBUTARY TO: PESCADERO CREEK

COUNTY: SAN MATEO

DIVERSION

WITHIN: SW¼ OF SE¼ SECTION 24, T8S, R5W, MB&M.

- A. Water is used under: Riparian claim _____ Pre 1914 right _____ Other (explain); _____
- B. Year of first use (Please provide if missing above) _____
- C. Amount of Use – Enter the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts below are:													Total Annual
Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	
1997				X	X	X	X	X	X	X			
1998				X	X	X	X	X	X	X			
1999				X	X	X	X	X	X	X			

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 52 acres; Stockwatering 50 head; Domestic _____;

Other (specify) _____

- E. Changes in Method of Diversion – Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

- F. Please answer only those questions below which are applicable to your project.

1. Conservation of water

- a. Are you now employing water conservation efforts? YES ___ NO X
Describe any water conservation efforts you have initiated: _____

- b. If credit toward beneficial use of water under claimed pre 1914 appropriative water right for water not used due to a conservation effort is claimed under section 1011 of the Water Code, please show the amounts of water conserved:

Reductions in Diversions:

19 _____ (af/mg) 19 _____ (af/mg) 19 _____ (af/mg)

Reductions in consumptive use:

19 _____ (af/mg) 19 _____ (af/mg) 19 _____ (af/mg)

I have data to support the above surface water use reductions due to conservation efforts. YES ___ NO ___

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES _____ NO X
- b. If credit toward use under a claimed pre 1914 appropriative water right through substitution of reclaimed water, desalinated water or polluted water in lieu of appropriated water is claimed under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of reclaimed water used:

19 _____ (af/mg) 19 _____ (af/mg) 19 _____ (af/mg)
I have data to support the above surface water use reductions due to wastewater reclamation. YES _____ NO _____

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES _____ NO X
- b. If credit toward use under a claimed pre 1914 appropriative right through substitution of groundwater in lieu of appropriated water is claimed under section 1011.5 of the Water Code, please show the amounts of groundwater used:

19 _____ (af/mg) 19 _____ (af/mg) 19 _____ (af/mg)
I have data to support the above surface water use reductions due to conjunctive use efforts. YES _____ NO _____

I understand that it may be necessary to document the water savings claimed in "F." above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: 3/10, 20 00 at Menlo Park, California

SIGNATURE: _____

PRINTED NAME: _____

(first name)

(middle init.)

(last name)

COMPANY NAME: _____

If there is insufficient space for your answers, please use the space provided below.

ITEM CONTINUATION

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Pete M. Rooney
Secretary for
Environmental
Protection

State Water Resources Control Board

John P. Caffrey, Chairman

SURNAME/FIL
S9555

Pete Wilson
Governor

Division of Water Rights

901 P Street • Sacramento, California 95814 • (916) 657-2046 FAX (916) 657-1485

Mailing Address: P.O. Box 2000 • Sacramento, California • 95812-2000

Internet Address: <http://www.swrcb.ca.gov>

E-Mail: rduff@waterrights.swrcb.ca.gov

NOV 16 1998

In Reply Refer
to:341:RMD:27663, et al

Walter Moore
Director of Conservation
Peninsula Open Space Trust
3000 Sand Hill Road
Building 4, Suite 135
Menlo Park, CA 94025

Dear Mr. Moore:

PERMIT 19321 (APPLICATION 27663), PERMIT 19322 (APPLICATION 27664),
PERMIT 19323 (APPLICATION 27665), AND PERMIT 19324 (APPLICATION 27666); AND
STATEMENT NOS. 9553, 9554, AND 9555 VARIOUS SOURCES AND BUTANO CREEK
IN SAN MATEO COUNTY

This letter is to follow up a November 12, 1998 phone conversation with John Wade of your
office concerning the ownership and status of the above-referenced water rights.

Ownership:

Our records currently show the ownership of the water rights in the name of "City National
Bank", with "Stanley S. Skeehan" designated as agent or primary contact.

As requested by Mr. Wade, unless notified otherwise within 30 days, we will update our records
to show the ownership of the water rights covered of Permits 19321, 19322, 19323, and 19324
and Statements No. 9553, 9554, and 9555 as follows:

Peninsula Open Space Trust
c/o Walter Moore
3000 Sand Hill Road
Building 4, Suite 135
Menlo Park, CA 94025
(650) 854-7696

There are no fees required to change the ownership of the water rights.

RDUFF 11-16-98

KEN 11-13-98

NOV 16 1998

Background:

All individuals, businesses, or public and private entities diverting surface water (including ground water flowing through known and definite channels) must have a valid water right for the diversion. California recognizes a number of different types of water rights. The two most common types of water rights are *riparian* and *appropriative*.

Riparian water rights usually come with owning a parcel of land that is adjacent to a source of water. The riparian water right entitles the diverter to use a portion of the water naturally flowing past the property. Riparian water rights do not entitle the water user to divert water to storage in a reservoir or to use water on land outside of the watershed. Riparian water rights do not require a water right permit, license, or governmental approval.

Appropriative water rights can be obtained by individuals, businesses, or other entities that: (1) do not have valid riparian rights, (2) who plan to seasonally store water in a reservoir, or (3) who plan to use water on parcels that are not adjacent to the source of water. There are several ways of obtaining an appropriative water right. The most common approach is the application-permit-license procedure. This procedure for obtaining an appropriative water right begins with the filing of an application and associated fees with the Division of Water Rights. After environmental review, public notice, and resolution of any protests, a water right permit is issued with specific terms and conditions. The permit also specifies when the project must be completed. After project completion and the maximum amount of water has been placed to beneficial use, the last step is issuance of license that is the final confirmation of the water rights.

As discussed further below, the water rights involved with this property include 4 appropriative water right permits and 3 claims of riparian water rights.

Appropriative Water Rights:

In combination, there are 4 appropriative water rights, Permits 19321, 19322, 19323, and 19324, that cover a total of 11 reservoirs with a cumulative capacity of 81 acre-feet and irrigation of up to 250 acres. Copies of the permits and associated Time Extension Orders are enclosed. Note the 1993 Orders extended the permit expiration dates to December 31, 2003. By that date, all the reservoirs should be constructed, the irrigation system should be completely installed, and the maximum amount of water should have been placed to beneficial use.

When the permits expire, you will have three options: (1) issuance of a license based on the as-built projects and maximum amount water actually placed to beneficial use, (2) request for another time extension if the projects are not complete (subject to due diligence requirements), or (3) request revocation if the projects have been abandoned. Prior to issuance of any licenses, we will need to conduct an inspection of the as-built projects.

During my phone conversation with Mr. Wade, we discussed some of the special terms in the permits, particularly the bypass flow/measuring device terms (Terms 14 through 17) in

NOV 16 1998

Permit 19321. Subsequently, I found that the 1990 Order amended Permit 19321 to delete these terms. These terms apparently were deleted because a diversion point on Butano Creek was deleted that was intended to help fill Reservoirs No. 5 and 6. In any case, you should review the permits and associated orders to ensure full compliance with all terms and conditions.

Mr. Wade also mentioned that the previous owners might have constructed several additional reservoirs. There is a possibility that these reservoirs could be added, by Change Petition, to the existing permits, provided that they are in the same watershed and the total storage capacity allowed in the permit(s) is not exceeded. Enclosed for your information is material related to the Change Petition procedures.

An appropriative water right can be revoked (or reduced) after five years of continuous nonuse, or due to noncompliance with permit terms and conditions. To track the status and actual water use under the terms and conditions of the permit, we annually distribute a pre-printed form, "Progress Report by Permittee". We have no record of receipt of the 1997 Progress Reports. Enclosed for your completion are duplicate copies of the 1997 Reports reflecting the new ownership. In early 1999, we will distribute the 1998 Progress Reports. There are no fees required to file the Progress Reports.

Riparian Water Rights:

Statements 9553, 9554, and 9555 (copies enclosed) cover 3 diversions from Butano Creek under claim of riparian right. A valid riparian right (or pre-1914 appropriative right) is a vested right that is generally superior to any appropriative right administered by the Division of Water Rights under the Water Commission Act of 1914.

The validity of a claim of riparian right often involves complex issues of fact and law regarding stream contiguity, land ownership issues, and chain-of-title. Because a riparian does not require a permit, license, or governmental approval, it is our policy not to render any advisory opinions regarding the validity of a specific claim of riparian right.

However, the Division of Water Rights does maintain statewide records of surface water diversions initiated under claim of riparian rights (and pre-1914 appropriative rights). Use of water under a claim of riparian right or pre-1914 appropriative right is documented by filing a "Statement of Water Diversion and Use" (Statement). A Statement is completed for a diversion during a calendar year and should be filed before July 1 of the succeeding year. We assign each new Statement a unique number. Thereafter, we distribute pre-printed Supplemental Statement forms at three-year intervals for the owners to summarize their actual water use.

We have not received any water use summaries for the 3 riparian diversions from Butano Creek since the late 1980's. Enclosed for your completion are duplicate copies of the Supplemental Statement forms for the three-year intervals ending in 1995 and 1998 for each riparian diversion. There are no fees required to file the Supplemental Statement forms.



Walter Moore

-4-

NOV 16 1998

If you have any questions, please write or telephone me at (916) 657-2046.

Sincerely,

ORIGINAL SIGNED BY

Ronald M. Duff
Associate WRC Engineer
Permit and License Unit

Enclosures

cc: City National Bank
c/o Stanley S. Skeeahan (w/o enclosures)
210-16th Avenue
Santa Cruz, CA 95062

RM Duff:egonzales
d:\rmd\27663\11-16-98



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95812-2000
901 P ST. SACRAMENTO, CA 95814
(916) 322-4503
(916) 657-1875

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

STATEMENT NO: 009555

CHASE TRUST COMPANY OF ARIZONA
C/O STANLEY S SKEEHAN
210 - 16TH AVENUE
SANTA CRUZ, CA 95062

TELEPHONE NUMBER:
(408) 475-9318

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: BUTANO CREEK

TRIBUTARY TO: PACIFIC OCEAN

COUNTY: SAN MATEO

DIVERSION

WITHIN: SW1/4 OF SE1/4 SECTION 24, T08S, R05W, MDB&M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1993. (Additional information on reverse side of this form.)

A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.

Amounts ☐ Gallons
below are: ☐ Acre-feet
☐ _____ (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1990				x	x	x	x	x	x	x			
1991				x	x	x	x	x	x	x			
1992				x	x	x	x	x	x	x			

B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 50 acres of artichokes & beans

Stockwatering _____

Domestic _____

Other (specify) _____

C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

no changes

D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: April 12, 19 93, at Scottsdale, Arizona, California

Signature: Chase Trust Co. of Arizona
by: [Signature]

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the source of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, or return flows from use of groundwater.

An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

- "Statements of Water Diversion and Use"
- "Information Pertaining to Water Rights in California"
- "Water Rights for Stockponds Constructed Prior to 1969"
- "Appropriation of Water in California"

ADDRESS CHANGE OR NAME CHANGE

STATEMENT

S 9554-~~XXXX~~

New Name or Address Change:

Chase Bank of Arizona
c/o Thomas G. Rumph
7501 East McCormick
Scottsdale, AZ 85258-3496

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
Division of Water Rights

P.O. BOX 2000 SACRAMENTO, CA 95810
901 P ST. SACRAMENTO, CA
(916) 322-4503

(916) 324-5741

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

DIVERTER OF RECORD:

STATEMENT NO: 009555

MISTY HILL FARMS also % S. Skeehan
3393 CLOVERDALE ROAD 210 16th Ave.,
PESCADERO, CALIF 94060 Santa Cruz, CA 95062

TELEPHONE NUMBER:

also: (408) 475-9318

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: BUTANO CREEK

TRIBUTARY TO: PACIFIC OCEAN

COUNTY: SAN MATEO

DIVERSION

WITHIN: SW1/4 OF SE1/4 SECTION 24, T08S, R05W, MDB8M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1987. (Additional information on reverse side of this form.)

- A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.
- Amounts below are: ☐ Gallons
☐ Acre-feet
☐ _____ (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1984				x	x	x	x	x	x	x			
1985				x	x	x	x	x	x	x			
1986				x	x	x	x	x	x	x			

- B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

5⁰ Irrigation 50 acres of low land artichokes
Stockwatering
Domestic
Other (specify)

- C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

Water from the canal is captured at #1 via a diesel driven
pump of 450 gpm capacity.

- D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

Canal water is a mixture of springs, return flow of Butano Creek water.

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 3/12, 1987, at Pescadero, California

Signature: F. J. Phillips

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

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An appropriative right is required for use of water on nonriparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. Since 1914 new appropriators have been required to obtain a permit and license from the State.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

- "Statements of Water Diversion and Use"
- "Information Pertaining to Water Rights in California"
- "Water Rights for Stockponds Constructed Prior to 1969"
- "Appropriation of Water in California"

ADDRESS CHANGE OR NAME CHANGE

STATEMENT

S 9555

New Name or Address Change:

Chase Trust Company of Arizona
c/o Stanley S. Skeehan
Santa Cruz, CA 95062

Chase Trust Company of Arizona
7501 East McCormick Parkway
Scottsdale, Arizona 85258-3496
(602) 949-4931

Thomas G. Rumph
Senior Vice President



CHASE

January 10, 1991

The State of California
Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, California 95812-2000
Attn: Shige Okada

Re: Your Reference No. 341:SO:27663

Gentlemen:

This letter will acknowledge receipt of your correspondence dated January 3, 1991. A copy of your letter is enclosed for reference. Please change your records to show that Application No's. 27663, 27664, 27665, and 27666; as well as Statements of Diversion and Use No's. S-9554 and S-9555 are held by:

"Chase Trust Company of Arizona as Trustee under
the Roy E. Crummer and Hazel B. Crummer Living
Trust Indenture, dated June 7, 1965."

Your assumption that we do not have copies of the Permits and Statements by the previous owner are correct. Please consider this letter as our request that you forward copies of the Permits and Statements to the attention of the undersigned.

Thank you in advance for your assistance regarding these matters.

Very truly yours,

Thomas G. Rumph
Senior Vice President

TGR/bw

Enclosure

cc: Mr. Stanley S. Skeehan
210 16th Avenue
Santa Cruz, California 95062

CRU0111.DOC

File 27663
27664
27665
27666
S-9554
S-9555
S-9555

Assign
1-23-91

Chase Trust Company of Arizona
7501 East McCormick Parkway
Scottsdale, Arizona 85258-3496
(602) 949-4931

Wayne Bowler
Thomas G. Rumph
Senior Vice President

files S-9554
9555



CHASE

January 4, 1991

State of California
Water Resources Control Board
Attn: Mr. Jesse Diaz,
Chief of Division of Water Quality
and Water Rights
P.O. Box 2000
Sacramento, California 95812-2000

Dear Mr. Diaz:

Please change your records to show that application No.'s 27663, 27664, 27665, and 27666 are held by:

"Chase Trust Company of Arizona, as trustee
under the Roy E. Crummer and Hazel B. Crummer
Living Trust Indenture, dated June 7, 1965."

Our bank as trustee of the above referenced trust has hired Mr. Stanley S. Skeeahan as a water rights consultant. Please mail correspondence concerning these applications to Mr. Stanley S. Skeeahan, 210 16th Avenue, Santa Cruz, California, 95062.

Ownership of Statements of Diversion and Use No.'s S-9554 and S-9555 should also be changed to show that the ownership is held by:

"Chase Trust Company of Arizona, as trustee
under the Roy E. Crummer and Hazel B. Crummer
Living Trust Indenture, dated June 7, 1965."

Correspondence concerning the Statements of Diversion and Use should also be sent to Mr. Skeeahan on our behalf.

CRU0104.DOC

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
STATEMENT OF WATER DIVERSION AND USE

S 9555

This statement should be typewritten or legibly written in ink.

A. Name of person diverting water John W. Burkard
Address Rancho Butano 3393 - Cloverdale Rd Telephone: 879-0694

B. Name of body of water at point of diversion Butano Creek
Tributary to Pacific Ocean

C. Place of diversion 1/4 1/4 Section 24, Township 8-S, Range 5-W, B&M,
County, or locate it on sketch of section grid on reverse side with regard to section lines or prominent local landmarks.

D. Name of works pump

E. Capacity of diversion works 250 gal per minute cubic feet per second
gallons per minute
gallons
acre-feet
Capacity of storage reservoir None

State quantity of water used each month in gallons or acre-feet

Year	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
				4	5	5	5	5	4	4			

If monthly and annual use are not known, check months in which water was used. State extent of use in units, such as acres of each crop irrigated, average number of persons served, number of stock watered, etc.

Maximum annual water use in recent years 20 because of drought gallons
acre-feet
Minimum annual water use in recent years _____ gallons
acre-feet

Type of diversion facility: gravity _____, pump ☒

Method of measurement: weir _____, flume _____, electric power meter _____, water meter _____, estimate ☒

F. Purpose of use (what water is being used for) Agricultural

G. General description or location of place of use (use sketch of section grid on reverse side if you desire)
Butano Creek (see sketch)

H. Year of first use as nearly as known At least 25 yrs

I. Name of person filing statement D. H. Copenhagen
Position Sec'y - Treas Organization Rancho Butano
Address 360 Olive St Telephone: 415-827-2104

I declare under penalty of perjury that the above is true and correct to the best of my knowledge and belief.

DATED: 2-7 .1978, at Menlo Park, California.

Signature: D. H. Copenhagen

See Instructions on Reverse Side